

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JOEL SANCHEZ,

Petitioner,

V.

CHARLES GREEN,

Respondent.

Civil Action No. 17-5582 (JMV)

OPINION

APPEARANCES:

JOEL SANCHEZ
Essex County Correctional Facility
354 Doremus Ave.
Newark, NJ 07105
Petitioner, *pro se*

BRYAN K. LONEGAN, Esq.
Office of Immigration Litigation
970 Broad Street
Newark, NJ 07102
On behalf of Respondent

VAZQUEZ, United States District Judge

On July 28, 2017, Petitioner filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (ECF No. 1), challenging his prolonged detention since January 6, 2017 by U.S. Immigration and Customs Enforcement (“ICE”). (ECF No. 1 at 2.) This Court ordered Respondent to answer the petition. (ECF No. 2.) On September 14, 2017, Respondent submitted the Declaration of Deportation Officer James A. Brantley, indicating that ICE removed Petitioner to Mexico on August 23, 2017. (ECF No. 5-1.) Respondent contends the habeas petition is moot. (ECF No. 5.)

A habeas petition “generally becomes moot when [a petitioner] is released from custody” because there is no longer “an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.” *Vasquez v. Aviles*, 639 F. App’x 898, 902 (3d Cir. 2016) (quoting *DeFoy v. McCullough*, 393 F.3d 439, 442 (3d Cir. 2005)). The present petition no longer presents a case or controversy under Article III, § 2 of the United States Constitution because Petitioner is no longer detained by ICE. *See id.* (finding petition moot where there were no collateral consequences that could be addressed by success on the petition after removal) (citing *Abdala v. I.N.S.*, 488 F.3d 1061, 1064 (9th Cir. 2007)). Therefore, the petition is dismissed as moot.

An appropriate Order follows.

Date: September 18, 2017
At Newark, New Jersey

s/ John Michael Vazquez
JOHN MICHAEL VAZQUEZ
United States District Judge